

10955. Adulteration of gray shorts. U. S. v. Gateway Milling Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 14744. I. S. No. 114-r.)

On July 26, 1921, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Gateway Milling Co., a corporation, Kansas City, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 4, 1920, from the State of Missouri into the State of Georgia, of a quantity of gray shorts which was adulterated. The article was labeled in part: "Mfg. by Gateway Milling Co. Kansas City, Mo. Gray Shorts, Red Dog Flour, Pulverized Wheat Bran."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of shorts, flour, bran, and rice hulls.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, rice hulls, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for gray shorts, red dog flour, and pulverized wheat bran, which the said article purported to be.

On October 25, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10956. Adulteration and misbranding of Cacapon healing water. U. S. v. 1100 5-Gallon Cans and 600 Bottles of Cacapon Healing Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15279. I. S. Nos. 3385-t, 3387-t, 3388-t. S. No. C-3130.)

On July 27, 1921, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,100 5-gallon cans and 600 bottles of Cacapon healing water, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Capon Water Co., from Winchester, Va., on or about May 30, 1921, and transported from the State of Virginia into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Drink Cacapon Healing Water and Live * * * The Catawba Indians Called it Yayapehon * * * Capon Springs Company, West Virginia * * *;" (bottles) "Cacapon Healing Water Prescribed by Prominent Physicians * * * Should be used by all women * * * Capon Springs Co., Capon Springs, W. Va.;" (cans and bottles) "* * * For Over Two Centuries Leading Physicians have prescribed Cacapon (Healing Water) for many diseases, including some thought incurable * * * Drink and Live. Tonic, Alterative and Diuretic * * * I know of No Water Comparable To Capon for bladder and kidney trouble * * * I have observed striking results in rheumatic gout, syphilitic rheumatism and chronic inflammation."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the mineral matter dissolved in the water consisted chiefly of calcium bicarbonate. Bacteriological examination by the same bureau showed that the water in the cans was polluted.

Adulteration of the portion of the article contained in the said 1,100 5-gallon cans, considered as a food, was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal or vegetable substance.

Misbranding of the article contained in both the cans and bottles, considered as a drug, was alleged for the reason that the above-quoted statements, regarding the curative and therapeutic effects of the said article, appearing on the labels of the bottles and cans containing the same, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 17, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*